

## **REMARKS**

Claims 1, 16, 17, 21, and 27-32 have been amended to clarify the subject matter regarded as the invention. Claims 1-32 are pending.

### ***Claim Rejections – 35 U.S.C. §101***

Claim 1 has been amended in a manner believed to overcome the Examiner's rejection of that Claim under 35 U.S.C. §101. Support for the amendment may be found, without limitation, in Paragraph [0077] of the Specification. Claims 2-15 depend from Claim 1 and their rejection is therefore also believed to have been overcome. Claims 16 and 17 have also been amended in a manner believed to overcome the Examiner's rejection of those claims under 35 U.S.C. §101. Support for the amendments may be found, without limitation, in Paragraph [0077] of the Specification. Claims 18-20 depend from Claim 17 and their rejection under 35 U.S.C. §101 is therefore also believed to have been overcome.

Claims 27-32 have been amended in a manner believed to overcome the Examiner's rejection of those claims under 35 U.S.C. §101.

### ***Claim Rejections – 35 U.S.C. §112***

Claim 21 has been amended in a manner believed to overcome the Examiner's rejection of that claim under 35 U.S.C. §112, first paragraph. Support for the amendment may be found, without limitation, in Paragraph [0077] of the Specification. Claims 22-26 depend from Claim 21 and their rejection under 35 U.S.C. §112, first paragraph is therefore also believed to have been overcome.

### ***Claim Rejections – 35 U.S.C. §103***

The Examiner has rejected Claims 1-32 under 35 U.S.C. §103(a) as being unpatentable by Davenport (U.S. Pub No. 2003/0033236) in view of Bergstrom (U.S. Pub No. 2002/0156667). The rejections are respectfully traversed.

Regarding Claim 1, the Examiner has acknowledged that Claim 1 does not "teach the optimal solution having an optimal quantity and an optimal unit price." The Examiner has

suggested that Bergstrom discloses this limitation. Bergstrom (in Figure 1 and at [0029-0031] describes spreadsheet which allows a retail buyer (e.g., purchasing items to stock in store so that others may in turn purchase them from the store) to determine how many of which products to stock. Bergstrom does not disclose an “optimal solution having ... an optimal unit price” and indeed teaches away from a solution having such an optimal unit price. For example, Bergstrom states that “[t]ypically the cost data is **imposed** on the buyer, for example, by a distributor.” Additionally, neither Davenport nor Bergstrom, whether considered individually or in combination disclose an “optimal solution having an optimal quantity that is consistent with” a “tolerance that describes at least one of a minimum and a maximum desired quantity” as recited in Claim 1 as amended. Claim 1 is therefore believed to be allowable.

Claims 2-15 depend, either directly or indirectly, from Claim 1 and are believed to be allowable for the same reasons described above.

As with Claim 1, Claim 16 recites “the optimal solution having an optimal quantity that is consistent with” a “tolerance that describes at least one of a minimum and a maximum desired quantity of the resource” and also recites an optimal unit price and is therefore also believed to be allowable.

Claim 17 recites that the tolerance “describes at least one of a minimum and a maximum desired quantity of the resource” and is believed to be allowable for the reasons explained above.

Claims 18-20 depend from Claim 17 and are therefore also believed to be allowable.

As with Claim 1, Claim 21 recites “the optimal solution having an optimal quantity that is consistent with” a “tolerance that describes at least one of a minimum and a maximum desired quantity of the resource” and also recites an optimal unit price and is therefore also believed to be allowable.

Claims 22-26 depend from Claim 21 and are therefore also believed to be allowable.

As with Claim 1, Claim 27 recites “the optimal solution having an optimal quantity that is consistent with” a “tolerance that describes at least one of a minimum and a maximum desired quantity of the resource” and also recites an optimal unit price and is therefore also believed to be allowable.

Claims 28-32 depend from Claim 27 and are therefore also believed to be allowable.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,



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Dated: February 24, 2009

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